



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

G. Stephen Mecherle et al.

Serial No.: 09/434,913

Filed: November 5, 1999

For: PORTABLE LASER TRANSCEIVER

Group Art Unit: 2633

Examiner: Bello, Agustin

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited this day, December 22, 2005, with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

David M. Morse, Reg. No. 50,505

INTERVIEW SUMMARY

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a summary of an interview the undersigned held with Examiner Bello on October 27, 2005. A Notice of Abandonment was mailed on October 18, 2005. This Notice followed the decision of the Board of Patent Appeals and Interferences on Applicants' appeal of three claims. During the interview, the appropriateness of the Notice of Abandonment was discussed, with the undersigned bringing to the attention of the Examiner the following facts.

The Board's decision rejected Applicants' appeal. However, at the time of the Appeal, Applicants placed claims 1, 3, 6-20, 23-25, 27, 29, and 32-40 in condition for allowance, the Advisory Action mailed January 22, 2004 confirming that these claims were allowed. During the course of the Appeal, and following the rejection of the

Appeal, these claims remained active in the application. Thus, even where Applicants' Appeal was rejected, the Notice of Abandonment was issued in error because the allowed claims remained active in the application.

Upon discussion of these facts, the Examiner agreed that the Notice of Abandonment was issued in error. The Examiner indicated that he would withdraw the Notice of Abandonment and issue a Notice of Allowance. Neither the withdrawal nor the Notice of Allowance has been received by the undersigned as of the date of signature below.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

DATE: December 22, 2005

By: 

David M. Morse
Reg. No. 50,505

Connolly Bove Lodge & Hutz LLP
Wells Fargo Center
South Tower, Suite 3150
355 South Grand Avenue
Los Angeles, California 90071
(213) 787-2500